

City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street Post Office Box 609 Marietta, Georgia 30061

William B. Dunaway, Mayor Annette Paige Lewis, Ward 1 Griffin "Grif" L. Chalfant, Jr., Ward 2 Holly Marie Walquist, Ward 3 Irvan A. "Van" Pearlberg, Ward 4 Rev. Anthony C. Coleman, Ward 5 James W. King, Ward 6 Philip M. Goldstein, Ward 7

Wednesday, April 16, 2008

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Holly Walquist, Grif

Chalfant, Annette Lewis and Van Pearlberg

Also Present:

William F. Bruton, City Manager Douglas R. Haynie, City Attorney Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 7:12 p.m.

INVOCATION:

Mayor Dunaway called upon Council member Jim King to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon Reggie Taylor, Executive Director of the Marietta Redevelopment Corporation, to lead the Pledge of Allegiance.

PRESENTATIONS:

20080368 Distinguished Service Award

Presentation of a Distinguished Service Award to Angela Smith for her outstanding contribution to helping build a community, forge partnerships and create a model program while enriching the Franklin Road community.

This matter was Presented.

20080307 Swearing In

Swearing in of new police officers for the Marietta Police Department Justin Davis Christopher Cannon Eugene Mullis

This matter was Oath Administered.

PROCLAMATIONS:

20080348 Mrs. John Carney

Proclamation honoring Mrs. John Carney for her generous donation for Lewis Park.

This matter was Presented.

20080364 April - National Donate Life Month

Presentation of a Proclamation to Terri Medina, Life Link, proclaiming April 2008 as National Donate Life Month honoring all citizens who have given the gift of life, and focusing attention on the need for organ, tissue and blood donors; encouraging residents to designate their donation decision and share the decision to donate with family members.

This matter was Presented.

20080367 Building Safety Week

Presentation of a Proclamation to Hal Cosper proclaiming the week of May 5-11, 2008 as Building Safety Week; encouraging all citizens to consider projects to improve building safety at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments and federal agencies in protecting lives and property.

This matter was Presented.

20080365 National Public Works Week

Presentation of a Proclamation to Dan Conn, Public Works Director, proclaiming the week of May 18-24, 2008 as National Public Works Week and calling upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

This matter was Presented.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

Mayor Dunaway announced that the Marietta Benefit Bazaar would be held on June 8, 2008 beginning at 9:00 a.m.

Mayor Dunaway mentioned that the The Glover Park Concert Series on the Marietta Square will begin April 25, 2008 at 8:00 p.m.

Council member Walquist announced that the Tree Keepers will be maintaining the trees at Hill Park, Saturday April 19, 2008 from 9:00 am to 11:00 p.m.

Council member Anthony Coleman announced that he will be sponsoring a meeting April 17, 2008 to help first-time home buyers find affordable housing options throughout the city.

The informal discussion will be held at the Marietta Diner, 306 Cobb Parkway immediately following tonight's Council meeting.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Dunaway briefly explained the consent agenda process. The following amendments were made to the consent agenda:

-under Ordinances: Agenda item 20080291 was added to the consent agenda and a notation added that Council member Goldstein opposed to the amortization schedule in section 714.06 of the Sign Ordinance.

-under Judicial/Legislative: Agenda item 20080210 was amended to read, "Motion to approve the "Wing & Rock" festival as a city-sanctioned event; and, to approve the closure of North and East Park Square May 31st from 10 a.m. to 10 p.m."

-under Judicial/Legislative: Agenda item 20080211 was added to the consent agenda for approval.

-under Other Business: Agenda item 20080286 was added to the consent agenda for approval.

Mayor Dunaway opened the public hearing for items on the consent requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member King, seconded by Council member Lewis, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0 **Approved**

with the following exceptions:

Council member Pearlberg opposed to agenda item 20080291.

Council member Goldstein opposed to agenda item 20080210.

Council member Pearlberg and Goldstein opposed to agenda item 20080214.

MINUTES:

* 20080343 Special Meeting - March 28, 2008

Review and approval of the March 28, 2008 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* 20080344 Regular Meeting - March 17, 2008

Review and approval of the March 17, 2008 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

* 20080254 Ethics Committee Appointment

Motion reappointing The Rev. James O. Speed to the Ethics Committee for a two year term expiring April 9, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

ORDINANCES:

20071496 Z2008-01 900 Burnt Hickory Road, a portion of 920 Burnt Hickory Road and a portion of 941 Polk Street 900 Burnt Hickory Associates, LLC

Ord 7145 Z2008-01 [REZONING] 900 BURNT HICKORY ASSOCIATES, LLC, requests rezoning for property located in Land Lot 12240, 16th District, Parcel 0410 and being known as 900 Burnt Hickory Road, from OI (Office Institutional with stipulations) to OI (Office Institutional); Land Lot 12240, 16th District, Parcel 0190 and being known as a portion of 920 Burnt Hickory Road, from R-1 (Single Family

Residential/Agriculture 1 unit/acre) to OI (Office Institutional), and Land Lot 03230, District 20, Parcel 0450 and being known as a portion of 941 Polk Street from CRC (Community Retail Commercial) to OI (Office Institutional). Ward 4.

Mayor Dunwawy opened the public hearing and City Attorney Douglas Haynie explained the rules of order.

Kevin Moore, attorney for the applicant, requested rezoning for the subject property to Office and Institutional in order to construct an Assisted Senior Living Center. Mr. Moore presented a Letter of Stipulations dated April 7, 2008, along with a rendering of the proposed facility.

In depth discussion was held.

Larry Kunin, who resides at 239 Hanson Way NW, spoke in opposition to the rezoning from residential to commercial. Mr. Kunin feels that this action would set a precedent for other commercial zonings in the area.

Mike Stephens, who resides at 751 Mountain View Terrace, in opposition of the development, specifically the size of the building and encroachment into the planned 30 ft buffer on the east side of the building.

Mayor Dunaway closed the public hearing.

Motion to approve rezoning for property located in Land Lot 12240, 16th District, Parcel 0410 and being known as 900 Burnt Hickory Road, from OI (Office Institutional with stipulations) to OI (Office Institutional); Land Lot 12240, 16th District, Parcel 0190 and being known as a portion of 920 Burnt Hickory Road, from R-1 (Single Family Residential/Agriculture 1 unit/acre) to OI (Office Institutional), and Land Lot 03230, District 20, Parcel 0450 and being known as a portion of 941 Polk Street from CRC (Community Retail Commercial) to OI (Office Institutional), with the following stipulations:

- 1) Letter of agreeable stipulations and conditions dated April 7, 2008 from J. Kevin Moore to Russell J. Roth.
- 2) Stipulation #11 of the stipulations and conditions dated April 7, 2008, shall be amended agree that the Certificate of Occupancy shall not be issued to the applicant until the right-off way referred to has been dedicated and work completed.
- 3) The preliminary plan submitted and dated March 18, 2008 shall be incorporated as a condition of the zoning.
- 4) The conceptual buffer planting plan submitted and dated March 13, 2008 shall be incorporated as a condition of the zoning.
- 5) The height profile exhibit submitted and dated February 21, 2008 shall be incorporated as a condition of the zoning.
- 6) The development shall be site plan specific; the property shall be developed and used for an assisted living facility only and all other permitted uses under the 01 classification are eliminated.
- 7) The color drawing dated April 16, 2008 and initialed by the applicant shall be incorporated as a condition of the zoning.
- 8) The two sides not shown in the drawing dated April 16, 2008 and signed by the applicant shall match the visible sides.
- 9) The applicant shall establish a 30-foot buffer on the east side of the property between the new facility and Mountain View Townhome Community.
- 10) There shall be no future encroachment into the buffers.
- 11) Dumpsters shall be adequately screened and trash shall be picked up between the hours of 7:00 am and 9:00 pm.
- 12) There shall be no parking on the east side of the building.
- 13) The specific stipulations stated during the April 16, 2008 City Council meeting shall override any conflicting stipulations of the Letter of Stipulations dated April 7, 2008.

A substitute motion was made by Council member Walquist to approve the rezoning including the stipulations made by Council member Pearlberg, with an additional stipulation that the 25 ft buffers adjacent to the property owned or formally owned by Peggy Smith be changed to 30 ft. The motion dies for lack of a second.

Mayor Dunaway called for a vote on the original motion.

The motion was made by Council member Pearlberg, seconded by Council member Lewis, that this matter be Approved as Stipulated. The motion carried by the following vote:

Vote: 6-1-0 Approved as Stipulated

Vote Against: 1 - Holly Walquist

* 20080291 CA2008-01 Proposal to amend the Comprehensive Development Code Section 714, Signs.

Ord 7147 CA2008-01 [CODE AMENDMENT] AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT CODE. Proposal to amend Section 714 of the Comprehensive Development Code of the City of Marietta relating to Signs.

Council member Goldstein opposed to the amortization schedule in section 714.06 of the Sign Ordinance.

This Matter was Approved on the Consent Agenda.

Vote: 6-1-0 Approved

Voting Against: Van Pearlberg

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* 20080357 Denial of a claim

Denial of the claim of David D. Russell.

This Matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved to Deny Claim**

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

- 1. Economic/Community Development: Grif Chalfant, Chairperson
- * 20080308 Reallocation FY08 CDBG

Res. 1435 Approval of a Resolution reallocating \$25,200 from homeownership assistance to the Franklin Road Weed and Seed Project.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

- 2. Finance/Investment: Annette Lewis, Chairperson
- * 20080318 National League of Cities (NLC)

Motion approving travel and training expenses for Council member Philip M.

Goldstein attending the National League of Cities (NLC) Information Technology and Communications (ITC) meeting in Aurora, CO, June 11-14, 2008.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

- 3. Judicial/Legislative: Philip M. Goldstein, Chairperson
- 4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

* 20080210 Wing & Rock Concert

Motion to approve the "Wing & Rock" festival as a city-sanctioned event; and, to approve the closure of North and East Park Square May 31st from 10 a.m. to 10 p.m.

Motion to approve the "Wing & Rock" festival as a city-sanctioned event; and, to approve the closure of North and East Park Square May 31st from 10 a.m. to 10 p.m.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 - 0 Approved

Voting Against: Philip M. Goldstein

20080211 NAACP Juneteenth Request

A motion authorizing city sponsorship of the Juneteenth Celebration Festival sponsored by the Cobb County Branch of the NAACP on Saturday, June 21, 2008; and, authorizing the closures of East Park Square and North Park Square from 8:00 a.m to 8:00 p.m. to conduct the event.

The Cobb County Branch of the NAACP will cooperate with the Parks, Recreation and Facilities Department and the manager of the Marietta Farmer's Market in establishing the set-up and use of North Park Square.

Further, the Cobb County Branch of the NAACP are fully responsible for the trash cleanup and removal of all trash generated by the event from the confines of the Marietta Square and the Central Business District. Trash removal from these confines may be accomplished through private means, or the organizers may utilize a city trash truck and driver for the event at a rate of \$67.85 per hour. Cobb County Branch of the NAACP shall notify the Parks, Recreation and Facilities Department fourteen (14) days in advance if they intend to utilize the city sanitation vehicle.

If the Cobb County Branch of the NAACP fail to adequately clean the event area of trash and debris and remove said trash and debris from the Central Business District they will be billed for any city services required to accomplish the cleanup of the area.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* 20080303 Lewis Park Playground Funding Request

Res. 7146

Approval of a budget amendment appropriating \$50,000 from the Whitaker Estate and accepting a citizen's contribution in the amount of \$50,000 for the purpose of expanding and improving the Lewis Park playground.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

5. Personnel/Insurance: Van Pearlberg, Chairperson

20080255 Marietta Redevelopment Corporation Appointments

Motion reappointing Ray Buday, Ron Francis, Terry Lee, John Schupp and Clint Mays to the Marietta Redevelopment Corporation Board of Directors for two-year terms, effective April 17, 2008 and expiring April 10, 2010.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

6. Public Safety Committee: Anthony Coleman, Chairperson

20080299 Standard Operating Procedures for the Marietta Police Department

Motion to approve revisions to the following Standard Operating Procedures for the Marietta Police Department:

A044 Uniforms, Equipment, & Department Property A060 Evidence & Property Maintenance

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

7. Public Works Committee: Jim King, Chairperson

* 20080214 Life University

Motion to approve the posted speed limit of 35 mph on Barclay Circle to be reduced to 25 mph.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved Voting Against: Philip M. Goldstein and Van Pearlberg

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

* 20080362 GMA Annual Conference - June 21-24, 2008

Motion to approve travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) 2008 Annual Convention in Savannah, GA June 21-24, 2008.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* 20080363 GMA Voting Delegates for the 2008 Annual Convention

Motion appointing Holly Walquist as voting delegate and Philip M. Goldstein as alternate voting delegate for the 2008 Georgia Municipal Association (GMA) Business Session being held during the 2007 Annual Convention June 21-24, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* 20080398 Voting Delegates - MEAG Annual Business Meeting

Res 1436 A Motion to appoint Grif Chalfant as a voting delegate and Philip M. Goldstein as an alternate voting delegate for the MEAG annual business meeting to be held in Savannah June 23, 2008.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* 20080363 GMA Voting Delegates for the 2008 Annual Convention

Motion appointing Holly Walquist as voting delegate and Philip M. Goldstein as alternate voting delegate for the 2008 Georgia Municipal Association (GMA) Business Session being held during the 2007 Annual Convention June 21-24, 2007.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 Approved

* 20080286 Confidentiality Agreement

C/A 3527 Motion to approve the Agreement which allows council members to sign a Confidentiality Agreement by and between the Municipal Electric Authority of Georgia (MEAG) and the City of Marietta regarding proprietary information as defined in the "Contractor Confidentiality Agreement", by and among Westinghouse Electric Company LLC ("Westinghouse") Stone & Webster, Inc. (A Shaw Group Company) ("Stone & Webster"), Southern Nuclear Operating Company, Inc., Georgia Power Company ("GPC"), Oglethorpe Power Corporation (An Electric Membership Corporation) ("OPC"), the Municipal Electric Authority Of Georgia ("MEAG Power"), and the City Of Dalton, Georgia

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("Dalton"), acting by and through its Board of Lights and Water, and Sinking Fund Commissioners (each of GPC, OPC, MEAG Power and Dalton being an "Owner").

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* 20080385 The Tower at Dorsey Manor, LP

Res. 1436 Approval of a Resolution to be adopted by Council endorsing the application by The Tower at Dorsey Manor, LP to the Georgia Department of Community Affairs for low-income housing tax credits to renovate The Tower at Dorsey Manor, a senior

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

* 20080342 BLW Actions of April 7, 2008

Review and approval of the April 7, 2008 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

citizen community at 212 Lemon Street, Marietta, Georgia; and for other purposes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0 **Approved**

ADJOURNMENT:

The meeting adjourned at 9:10 p.m.

Date Approved:	
Willian	n B. Dunaway, Mayor
Attest:	Stanbaria Carr City Clark
	Stephanie Guy, City Clerk